

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

CARLOS MATA,)	
)	
Plaintiff,)	
vs.)	NO. CIV-10-419-D
)	
ROGER LEVICK, et al.,)	
)	
Defendants.)	

ORDER

Plaintiff, who appears *pro se*, brought this action pursuant to 42 U. S. C. § 1983, alleging that his constitutional rights have been denied during his detention at the Jackson County, Oklahoma jail. Plaintiff also filed a motion for leave to proceed *in forma pauperis*. Pursuant to 28 U. S. C. § 636(b)(1)(B), these matters were referred to United States Magistrate Judge Gary M. Purcell for initial proceedings.

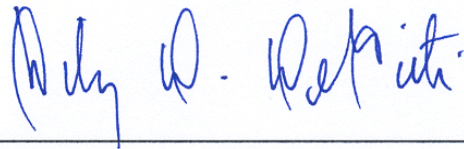
On May 27, 2010, the Magistrate Judge filed a Report and Recommendation [Doc. No. 8] in which he recommended dismissal of the Complaint because, subsequent to its filing, Plaintiff filed a change of address [Doc. No. 6] reflecting that he is no longer incarcerated. In the Report and Recommendation, the Magistrate Judge noted that, as a result of his release, Plaintiff's requests for declaratory and injunctive relief are moot, and the Court lacks jurisdiction over his claims. *See Wirsching v. Colorado*, 360 F. 3d 1191, 1196 (10th Cir. 2004). The Magistrate Judge also recommended that Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* [Doc. No. 2] be denied as moot.

In the Report and Recommendation, Judge Purcell advised Plaintiff of his right to object to the findings and conclusions set forth therein, and he scheduled a June 16, 2010 deadline for filing

objections. He also expressly cautioned Plaintiff that his failure to timely object would constitute a waiver of appellate review of the recommended ruling.

The deadline for filing objections has expired, and Plaintiff has not responded¹. Accordingly, the Report and Recommendation [Doc. No. 8] is adopted as though fully set forth herein, and this action is dismissed with prejudice for lack of jurisdiction.

IT IS SO ORDERED this 2nd day of July, 2010.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE

¹Although the Court file reflects that the Report and Recommendation mailed to him at his new address was returned as undeliverable, Plaintiff is responsible for insuring that a correct address is provided to the Court. LCvR 5.4(a). Court papers sent to the address last provided by the litigant are deemed delivered. *Id.*